

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

BB MOTOR SALES, LLC,
d/b/a Luther Brookdale Chevrolet and
Luther Brookdale Buick GMC,

Plaintiff,

v.

ORDER

Civil File No. 14-5093 (MJD/JJK)

GENERAL MOTORS, LLC,

Defendant.

Charles K. Maier and Holly A. Miller, Gray Plant Mooty Mooty & Bennett, PA,
Counsel for Plaintiff.

James C. McGrath and Katherine Moskop, Seyfarth Shaw LLP, and Bruce L. Gisi
and John Rock, Rock Law LLC, Counsel for Defendant.

The above-entitled matter comes before the Court upon the Report and
Recommendation of United States Magistrate Judge Jeffrey J. Keyes, dated April
24, 2015. [Docket No. 29] Defendant filed objections to the Report and
Recommendation. [Docket No. 30]

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court adopts the Report and Recommendation of United States Magistrate Judge Keyes dated April 24, 2015.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes, dated April 24, 2015 [Docket No. 29].
2. Defendant General Motors' Motion to Dismiss [Docket No. 14] is **DENIED IN PART AND GRANTED IN PART**, as follows:
 - a. General Motors' motion to dismiss Count I (breach of the dealer agreement) is **DENIED**, and
 - b. General Motors' motion to dismiss Count II (violation of Minn. Stat. 80E. 13(h)) is **GRANTED**.

Dated: July 6, 2015

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court